



Order Filed on August 14, 2020
by Clerk,
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)
STERN, LAVINTHAL & FRANKENBERG, LLC
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Attorney for Secured Creditor,
New Rez LLC d/b/a Shellpoint Mortgage Servicing
By Maria Cozzini, Esq.

In Re:

Ruth R Fisher

Debtor(s).

Case No.: 16-33565-SLM

Chapter: 13

Hearing Date: July 22, 2020

Judge: Stacey L. Meisel

**ORDER RESOLVING MOTION TO VACATE STAY
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is **ORDERED**

DATED: August 14, 2020

A handwritten signature in cursive script, reading "Stacey L. Meisel".

Honorable Stacey L. Meisel
United States Bankruptcy Judge

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Debtor: Ruth R Fisher

Case No: 16-33565-SLM

Caption: Order Resolving Motion to Vacate Stay with Conditions

Applicant:	<u>NewRez LLC d/b/a Shellpoint Mortgage Servicing</u>
Applicant's Counsel:	<u>Stern Lavinthal & Frankenberg, LLC</u>
Debtor's Counsel:	<u>David G. Beslow, Esq.</u>
Property Involved ("Collateral"):	<u>PO Box 434, East Orange, NJ 07019</u>

Relief sought:

- ✓ Motion for relief from the automatic stay
- Motion to dismiss
- Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- The Debtor is overdue for 3 months, from May 1, 2020 to July 1, 2020.
- The Debtor is overdue for 3 payments at \$2,224.00 per month.
- Less Funds held in debtor(s) suspense \$1,245.94

Total Arrearages Due \$5,426.06.

2. Debtor must cure all post-petition arrearages, as follows:

- Immediate payment shall be made in the amount of \$4,320.00. Payment shall be made no later than July 31, 2020.
- Beginning on August 1, 2020, regular monthly mortgage payments shall continue to be made in the amount \$2,224.00.
- Beginning on August 1, 2020, additional monthly cure payments shall be made in the amount of \$184.34 for 5 months.
- Beginning on January 1, 2021, additional monthly cure payments shall be made in the amount of \$184.36 for 1 month.

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Debtor: Ruth R Fisher

Case No: 16-33565-SLM

Caption: Order Resolving Motion to Vacate Stay with Conditions

3. Payments to the Secured Creditor shall be made to the following address(es):

- ✓ Immediate payment: Shellpoint Mortgage Servicing
P.O. Box 740039
Cincinnati, OH 45274-0039
- ✓ Regular monthly payment: Shellpoint Mortgage Servicing
P.O. Box 740039
Cincinnati, OH 45274-0039
- ✓ Monthly cure payment: Shellpoint Mortgage Servicing
P.O. Box 740039
Cincinnati, OH 45274-0039

4. In the event of Default:

- ✓ If the Debtors fail to make the immediate payment specified above or fail to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtors' failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and the Debtors' attorney.
- ☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

- ✓ The Applicant is awarded attorneys fees of \$350.00, and costs of \$181.00.
The fees and costs are payable:
 - ✓ through the Chapter 13 plan.
 - ☐ to the Secured Creditor within _____ days.
 - ☐ Attorneys' fees are not awarded.

Certificate of Notice Page 4 of 4

United States Bankruptcy Court
District of New Jersey

In re:
Ruth R Fisher
Debtor

Case No. 16-33565-SLM
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Aug 14, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 16, 2020.

db +Ruth R Fisher, PO Box 434, East Orange, NJ 07019-0434

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 16, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 14, 2020 at the address(es) listed below:

David G. Beslow on behalf of Debtor Ruth R Fisher yrodriguez@goldmanlaw.org,
yrodriguez.knight29@gmail.com;ecf-control@goldman-beslow.com;r64764@notify.bestcase.com
Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Harold N. Kaplan on behalf of Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing
hkaplan@rasnj.com, informationathnk@aol.com
Jill Manzo on behalf of Creditor DITECH FINANCIAL LLC bankruptcy@feinsuch.com
Maria Cozzini on behalf of Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing
mcozzini@sternlav.com
Marie-Ann Greenberg magecf@magtrustee.com
Sindi Mncina on behalf of Creditor Ditech Financial LLC smncina@rascrane.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8